



EXHIBIT D

ISSUE STATEMENT: PUBLIC HEARING AND RECOMMENDATION TO THE CITY COUNCIL CONCERNING AN AMENDMENT TO CHAPTER 117, ZONING, ARTICLE VII., DENSITY AND DIMENSIONAL REGULATIONS.

DATE: MAY 3, 2021

SUBMITTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

PRESENTED BY: PLANNING AND DEVELOPMENT DEPARTMENT

Background

The City's current zoning regulations concerning density and dimensional requirements, such as minimum lot area, minimum yards, maximum building heights, etc., are structured in a way that causes confusion. In particular, the building setback requirements are structured such that in certain commercial districts, depending on how you interpret the language, the setback distances would be prohibitive to development on smaller tracts (especially if located at street intersections). Additionally, the same regulations contain multiple errors and omissions that also make the regulations difficult to apply.

Analysis

The result of the confusion and difficulty caused by the many errors and confusing language is that interested persons are likely to not feel confident that they are applying the regulations correctly. Upon an initial reading of the regulations, one is likely to assume (perhaps correctly) that commercial setback distances are unusually large and making certain commercial zones of the City relatively unattractive for improvement.

Because real property in Nixa exists within a broader regional market for land, it should be assumed that there are many substitute "products" available. If Nixa's dimensional standards are confusing or unnecessarily prohibitive, it is likely that land affected by the problematic regulations may be less competitive within that market.

To address that concern, one must consider whether the dimensional standards are serving an important public interest. In the case of building setbacks and other dimensional standards, there are now many other regulatory provisions contained in the building and fire codes that are likely to require setbacks as large or larger than zoning setbacks. In the case of the dimensional standards that Nixa applies, staff believes that many of the setbacks can be appropriately reduced while still serving the fundamental purposes of the regulations as set forth in state statute and elsewhere.

The bill that is the subject of this memorandum restructures, simplifies and significantly reduces certain setback dimensions (particularly in the commercial and industrial districts). One of the



goals in drafting this amendment was to not make a change that would cause non-conformities, so no dimensional standards were enlarged.

A comparison of the existing and proposed setback distances to each other as well as other municipalities in the local region and other areas of the state is included below for reference.

City	Residential			General Commercial			Light Industrial			Heavy Industrial		
	Front	Side	Rear	Front	Side	Rear	Front	Side	Rear	Front	Side	Rear
<i>Nixa (current)</i>	<i>25</i>	<i>5</i>	<i>20</i>	<i>40</i>	<i>15</i>	<i>20</i>	<i>30</i>	<i>10</i>	<i>25</i>	<i>40</i>	<i>25</i>	<i>25</i>
Ozark	25	7	20	25	5	30	35	20	35	-	-	-
Republic*	25	6	25	15	6	15	15	15	15	15	15	30
Springfield*	15	5	10-20	20	0	0	15 or 25	10	10	15 or 25	0	0
Columbia	25	6	25	25	0	0	25	0	10	-	-	-
Independence*	25	5	20	15	0	0	25	0	0	25	35	35
Blue Springs	25	8	15	20	20	25	0-45	10	10	40	20	20
Fenton	30	6	30	20	10	10	50	15	15	-	-	-
<i>Nixa (proposed)</i>	<i>25</i>	<i>5</i>	<i>20</i>	<i>20</i>	<i>10</i>	<i>20</i>	<i>20</i>	<i>10</i>	<i>20</i>	<i>25</i>	<i>25</i>	<i>25</i>

* measured to "drip edge"

Recommendation

Staff recommends the passage of this amendment.